

Remarks

- 1) Applicant thanks the Examiner for her office action.
- 2) Claims 18-21, 25, 26, 43-46, 49 and 57-61 are pending in the present application. Claims 58-61 has been provisionally withdrawn under traverse.
- 3) In accordance with the Examiner suggestion, applicant amended the specifications to perfect the claim the benefit of priority to the PCT application and the US provisional application, to which the present application claim the benefit of priority.
- 4) Applicant hereby also submits substitute oath/declaration in compliance with 37 C.F.R. 1.67(a), as required. Furthermore, a new power of agent/attorney is also filed herewith.
- 5) Applicant traverses the Office demand for election restriction as improper.
- 6) MPEP 803 provide:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) *The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and*
- (B) **There must be a serious burden on the examiner** *if restriction is not required (see MPEP § 03.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02). (emphasis added)*

- 7) Applicant respectfully submits that the Office failed to show, and indeed CAN NOT REASONABLY SHOW, special burden as required by MPEP 803(b) quoted above. Since the claims in the application were already searched and allowed, there can be no additional burden by the Office as no additional search is required. Applicant therefore respectfully requests that the restriction be reconsidered and withdrawn.

- 8) As required by 37 CFR §1.143, applicant provisionally elects, under traverse and under protest, claims 18-21, 25, 26, 43-46, 49 and 57, should the Examiner refuse to withdraw the unjustified restriction requirement.
- 9) Applicant has made a good faith effort to address each and every point made by the Examiner, in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.
- 10) In light of the showing and all other reasons stated above, applicant believes that the objections presented by the Examiner in the office action mailed to applicant May 3, 2007 were overcome. Applicant therefore submits that all the claims are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted

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